



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,271	06/07/2001	Ah Hwee Tan	455392001200	4593

25227 7590 05/19/2005

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,271

Applicant(s)

TAN, AH HWEE

Examiner

Cindy Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,22-46 and 50-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,22-46 and 50-53 is/are rejected.
- 7) ☐ Claim(s) 19-21 and 47-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is in response to communication 03/22/05.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 13 and 42 contain subject matter "adaptive resonance associative map" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2161

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13-23, 25, 27-39, 41-50 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheppard (US 6026397).

Regarding claims 1 and 27, Sheppard discloses: a method of organizing information into a plurality of classes or clusters with a user-configurable information clustering system comprising:

a) grouping units of information into clusters based on similarities to create a cluster structure (col. 12, lines 21-39, Sheppard); and

modifying said cluster structure by a user according to user knowledge and preferences (col. 17, lines 60 to col. 18, lines 4, Sheppard).

In addition, Sheppard disclose: a user interface (col. 12, lines 50-67, Sheppard);

A knowledge base for storing said cluster structure (col. 20, lines 32-50, Sheppard).

Regarding claims 2 and 28, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard discloses: wherein said grouping units of information into clusters is carried out automatically to create a machine-generated cluster structure (col. 13, lines 50-67 and col. 18, lines 5-16, Sheppard).

Regarding claims 3 and 29, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard discloses: wherein said modifying comprises creating at least one new information cluster defined by the user (col. 17, lines 60-67, Sheppard).

Regarding claims 4, 8, 30 and 35, most of the limitations of these claims have been noted in the rejection of claims 1, 3, 27 and 29 above, respectively. In addition, Sheppard discloses: wherein said modifying further comprises labeling at least one information cluster by the user using defined symbol¹ (col. 19, lines 20-35, Sheppard).

Regarding claims 5, 9, 31 and 36, most of the limitations of these claims have been noted in the rejection of claims 1, 4, 27 and 30 above, respectively. In addition, Sheppard discloses: wherein said modifying further comprises merging of at least two clusters chosen by the user (col. 6, lines 59-67, Sheppard).

Regarding claims 6, 10, 32 and 37, most of the limitations of these claims have been noted in the rejection of claims 1, 5, 27 and 31 above, respectively. In addition, Sheppard discloses: wherein said modifying further comprises splitting at least one cluster chosen by the user (col. 8, lines 1-13, Sheppard).

Regarding claims 7, 11, 33 and 38, most of the limitations of these claims have been noted in the rejection of claims 1, 6, 27 and 32 above, respectively. In addition,

Sheppard discloses: wherein said modifying further comprises storing said cluster structure in a knowledge base (col. 20, 32-50, Sheppard).

Regarding claims 13 and 42, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard discloses: wherein said user-configurable information clustering system comprises an adaptive resonance associative map (col. 12, lines 41-45, Sheppard).

Regarding claims 14 and 41, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard discloses: wherein said user-configurable information clustering system incorporates user knowledge and preferences for information clustering (col. 17, lines 60 to col. 18, lines 5, Sheppard).

Regarding claims 15, all of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Sheppard discloses: wherein said user-configurable information clustering system further comprises a user interface to provide for viewing and manipulating said cluster structure (col. 13, lines 47-64, Sheppard).

Regarding claims 16 and 44, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard

¹ Indicated label with respect to the category of information by displayed in tabular form on a blue

discloses: wherein each of said units of information is represented by an information vector (col. 16, lines 16-25, Sheppard).

Regarding claims 17 and 45, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard discloses: wherein a user-preferred information grouping is represented by a preference vector (col. 16, lines 16-25, Sheppard).

Regarding claims 18 and 46, most of the limitations of these claims have been noted in the rejection of claims 1 and 27 above, respectively. In addition, Sheppard discloses: wherein said units of information are grouped into classes or clusters based on a similarity function (col. 8, lines 21-39, Sheppard).

Regarding claims 34 and 39, most of the limitations of these claims have been noted in the rejection of claims 33 and 27 above, respectively. In addition, Sheppard discloses: wherein said personalization module further comprises means for retrieving the cluster structure from said knowledge base (col. 14, lines 27-35, Sheppard).

Regarding claims 23, all of the limitations of this claim have been noted in the rejection of claims 1, 4, 5 and 6 above. It is therefore rejected as set forth above.

background for stock, green background for weather and so forth.

Regarding claims 25, 50 and 52, all of the limitations of these claims have been noted in the rejection of claims 1, 4, 5, 6 and 7 above. In addition, Sheppard discloses: retrieving said cluster structure initializing the information clustering system using said retrieved cluster structure (col. 14, lines 27-35, Sheppard); and analyzing new clusters which reference to said retrieved cluster structure defined according to the user's knowledge and references (col. 16, lines 16-25, Sheppard).

Regarding claims 22, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Sheppard discloses: further comprising retrieving said cluster structure to initialize said user-configurable information clustering system prior to clustering new information (col. 16, lines 5-15 and col. 15, lines 30-50, Sheppard).

Regarding claims 43, most of the limitations of this claim have been noted in the rejection of claim 27 above. In addition, Sheppard discloses: wherein said user interface permits graphical visualization of said information clusters (col. 15, lines 47-64, Sheppard).

1. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2161

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 24, 26, 40, 51 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard (U.S. 6,026,397) (Sheppard) in view of Abecassis (US 5,717,814).

1-18

Regarding claims 12, 24, 26, 40, 51 and 53, most of the limitations of these claims have been noted in the rejection of claims 1, 23, 25, 27, 50 and 53 above, respectively. However, Sheppard didn't disclose: wherein said information comprises text, image, audio, video or any combination thereof. On the other hand, Abecassis discloses: wherein said information comprises text, image, audio, video or any combination thereof (col. 8, lines 39-51, Abecassis). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein said information comprises text, image, audio, video or any combination thereof in the system of Sheppard as taught by Abecassis. The motivation being to enable the system provide a video program that is highly responsive to viewer control over its content.

Allowable Subject Matter

Claims 19-21 and 47-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a method of organizing information into a plurality of classes or clusters with a user configurable information clustering system comprising wherein said classes or clusters have a coarseness which is controlled by a baseline vigilance parameter as recited in claim 19 and 47.

The prior art of record and that encountered while searching for the claimed invention fails to anticipate and/or suggest: a method of organizing information into a plurality of classes or clusters with a user configurable information clustering system comprising indication by a user of a preference for a lower and higher baseline vigilance parameters by selecting at least one unit of information from each of at least two clusters wherein the selected units of information are deemed by the user to be similar to each other as recited in claims 20, 21, 48 and 49.

1. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the

Art Unit: 2161

organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
May 11, 2005

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER